

STEPHANIE M. HINDS (CABN 154284)  
Acting United States Attorney  
SARA WINSLOW (DCBN 457643)  
Chief, Civil Division  
JEVECHIUS D. BERNARDONI (CABN 281892)  
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055  
San Francisco, California 94102-3495  
Telephone: (415) 436-7164  
Facsimile: (415) 436-7234  
jevechius.bernardoni@usdoj.gov

Attorneys for Federal Defendants

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION,

Plaintiff,

v.

DEPARTMENT OF JUSTICE and FEDERAL  
BUREAU OF INVESTIGATION,

Defendants.

Case No. 3:20-cv-09284-CRB

**STIPULATION AND ~~PROPOSED~~ ORDER  
REGARDING AUGUST RELEASE**

WHEREAS, on June 18, 2021, the parties filed a Case Management Conference Statement (ECF No. 25);

WHEREAS, in the Case Management Conference Statement, Defendant Federal Bureau of Investigation (“FBI”) reported that it had “identified approximately 70 pages responsive to Item 1. The FBI maintains that it is unable to provide page counts for Items 2-4 due to the sensitive investigative techniques involved” (*id.*);

WHEREAS, in the June 18, 2021 Case Management Conference Statement, FBI further noted that it “anticipates processing and releasing (subject to any withholdings) records responsive to Item 1 and records related to the publicly acknowledged contracts in Item 3 on or before August 31, 2021. However, if these record subsets involve more than 500 pages of responsive records, the FBI’s position is that it will

process 500 pages of responsive records (again, subject to any withholdings) per month until complete”  
(*id.*);

WHEREAS, the Case Management Conference Statement also noted that the FBI “agreed to provide the ACLU with further information regarding the nature of all remaining responsive documents as well as its justification for its position on categorically withholding all remaining responsive records under Exemption 7(E) before the Case Management Conference before this Court on July 9, 2021 (*id.*);

WHEREAS, the Court issued an order on June 24, 2021 “adopt[ing] the case management schedule” proposed in the parties’ June 18, 2021 Case Management Conference Statement (ECF No. 26);

WHEREAS, on July 9, 2021, the FBI provided the ACLU with information described in the Case Management Conference Statement;

WHEREAS, the FBI has been processing the records but has not yet been able to isolate records related to publicly acknowledged contracts in Item 3;

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the parties as follows:

1. The FBI will release (subject to any withholdings) the approximately 70 pages of records responsive to Item 1 by September 9, 2021; and
2. The FBI will continue processing records related to publicly acknowledged contracts in Item 3, and will release those materials (subject to any withholdings) on or before September 30, 2021. However, if these record subsets involve more than 500 pages of responsive records, the FBI will process 500 pages of responsive records (subject to any withholdings) per month until complete.

Dated: August 31, 2021

STEPHANIE M. HINDS  
Acting United States Attorney

/s/ Jevechius D. Bernardoni\*  
Jevechius D. Bernardoni  
Assistant United States Attorney

Dated: August 31, 2021

/s/ Jennifer Stisa Granick  
Jennifer Stisa Granick  
American Civil Liberties Union Foundation  
39 Drumm Street  
San Francisco, CA 94111  
Telephone: 415-343-0758

Fax: 415-255-1478  
jgranick@aclu.org

Jacob Snow  
American Civil Liberties Union Foundation of  
Northern California  
39 Drumm Street  
San Francisco, CA 94111  
Telephone: 415-621-2493  
Fax: 415-255-1478  
jsnow@aclunc.org

*Attorneys for Plaintiff*

*\*In compliance with Civil Local Rule 5-1(i)(3), the filer of this document attests under penalty of perjury that all other signatories have concurred in the filing of this document.*

~~PROPOSED~~ ORDER

Upon consideration of the parties' stipulation, and good cause appearing therefore, it is hereby ORDERED that the stipulation is hereby GRANTED.

IT IS SO ORDERED.

Dated: September 1, 2021



THE HONORABLE CHARLES R. BREYER